

**Notice of Allowability**

Application No.

09/500,921

Applicant(s)

PESTONI, FLORIAN

Examiner

Stephan F. Willett

Art Unit

2142

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/07.
2. ☒ The allowed claim(s) is/are 1,3-5,7-10,12,13,15,16,18-20,22,23,25-27,29-33 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date Attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**ANDREW CALDWELL****SUPERVISORY PATENT EXAMINER**

**DETAILED ACTION**

***Examiner's Amendment***

1. Authorization for this Examiner's amendment was given in a telephonic interview with Mr. Gibb on 1/4/07.

**IN THE SPECIFICATION:**

Please amend the specification as follows:

Page 9, lines 11-13, please amend as follows:

First, the fan-out and operation op are selected by the multiplexor's client MC 25. For instance, the inventive multiplexor M22 may be integrated with a systems management program SM 26 (hereinafter sometimes referred to as system manager 26) that manages several remote servers.

**IN THE CLAIMS:**

Please amend the claims as follows:

1. (Currently Amended) A method for processing the same request from a client program to multiple instances of the same server program over the same protocol, said method comprising:

transferring said same request from said client program to an intermediary;

generating a plurality of request instances of said same request using said intermediary, wherein each of said request instances of said same request corresponds to a different instance of said same server program, wherein different request instances have one of different data and different states;

buffering said request instances of said same request until said instances of said same server program are available;

transferring said request instances of said same request from said intermediary to said instances of said same server program over a computer network;

transferring a plurality of responses from said instances of said same server program to said intermediary over said computer network;

converting said responses to a uniform response; and

transferring said uniform response to said client program;

wherein said generating comprises supplying user input to a systems management program to form a fan out target list, wherein said fan out target list comprises target instances of said same server program to which said request instances of said same request will be transferred; passing said fan out target list to an intermediary client; and passing said fan out target list from said intermediary client to said intermediary specifying target instances of said same server program based on user input to form a fan out target list, to which said request instances of said same request will be transferred,

wherein said target instances comprise at least one of information sources and information destinations, and

wherein said client program, said same server program and, said same protocol are not modified by said method.

2. (Cancelled).

3. (Original) The method in claim 1, wherein said converting comprises selecting an operation to combine said responses.

4. (Original) The method in claim 3, wherein said operation comprises one of listing said responses, aggregating said responses, adding said responses, preparing a subset of said responses, identifying a maximum of said responses, identifying a minimum of said responses, and averaging said responses.

Art Unit: 2142.

5. (Currently Amended) The method in claim 1, wherein said intermediary automatically creates said request instances of said same request.

6. (Cancelled).

7. (Original) The method in claim 1, wherein said unified response has an instance corresponding to said client program.

8. (Currently Amended) A method of processing the same request from a client program to multiple instances of the same server program over the same protocol, said method comprising:

modifying said same request to create multiple request instances of said same request, each of said request instances of said same request corresponding to a single instance of said same server program, wherein different request instances have one of different data and different states;

buffering said request instances of said same request until said instances of said same server program are available;

transferring said request instances of said same request to corresponding ones of said instances of said same server program over a computer network;

modifying and combining responses to said same request from said instances of said same server program to create a unified response; and

wherein said modifying of said same request comprises receiving, by said client program, user input; forming, by a systems management program, a fan out target list based on said user input, wherein said fan out target list comprises target instances of said same server program to

Art Unit: 2142

which said request instances of said same request will be transferred; passing said fan out target list to an intermediary client; and passing said fan out target list from said intermediary client to said intermediary specifying target instances of said same server program based on user input to form a fan out target list, to which said request instances of said same request will be transferred,

wherein said target instances comprise at least one of information sources and information destinations, and

wherein said client program, said same server program, and said same protocol are not modified by said method.

9. (Original) The method in claim 8, wherein an intermediary alters said same request to comply with each instance of said same server program.

10. (Currently Amended) The method in claim 9, wherein said intermediary automatically creates said request instances of said same request.

11. (Cancelled).

12. (Original) The method in claim 8, wherein said converting comprises selecting an operation to combine said responses.

13. (Original) The method in claim 12, wherein said operation comprises one of listing said responses, aggregating said responses, adding said responses, preparing a subset of said

Art Unit: 2142

responses, identifying a maximum of said responses, identifying a minimum of said responses, and averaging said responses.

14. (Cancelled).

15. (Original) The method in claim 8, wherein said unified response has an instance corresponding to said client program.

16. (Currently Amended) A method of using a computer program to process the same request from a client program to multiple instances of the same server program over the same protocol, said method comprising:

using said computer program to transfer said same request from said client program to an intermediary;

using said computer program to generate a plurality of request instances of said same request using said intermediary, wherein each of said request instances of said same request corresponds to a different instance of said same server program, wherein different request instances have one of different data and different states;

using said computer program to buffer said request instances of said same request until said instances of said same server program are available;

using said computer program to transfer said request instances of said same request from said intermediary to said instances of said same server program over a computer network;



using said computer program to transfer a plurality of responses from said instances of said same server program to said intermediary over said computer network;

using said computer program to convert said responses to a uniform response;  
using said computer program to transfer said uniform response to said client program; and

using said computer program to supply user input to a systems management program to form a fan out target list, wherein said fan out target list comprises target instances of said same server program to which said request instances of said same request will be transferred; pass said fan out target list to an intermediary client; and pass said fan out target list from said intermediary client to said intermediary ~~specify target instances of said same server program based on user input to form a fan out target list, to which said same request will be transferred when generating said plurality of said request instances of said same request,~~

wherein said target instances comprise at least one of information sources and information destinations, and

wherein said client program, said instances of said same server program, and said same protocol are not modified by said computer program.

17. (Cancelled).

18. (Original) The method in claim 16, wherein said using said computer program to convert comprises using said computer program to select an operation to combine said responses.

Art Unit: 2142

19. (Original) The method in claim 18, wherein said operation comprises one of listing said responses, aggregating said responses, adding said responses, preparing a subset of said responses, identifying a maximum of said responses, identifying a minimum of said responses, and averaging said responses.

20. (Currently Amended) The method in claim 16, wherein said intermediary automatically creates said request instances of said same request.

21. (Cancelled).

22. (Original) The method in claim 16, wherein said unified response has an instance corresponding to said client program.

23. (Currently Amended) A program storage device storing a computer readable medium by ~~machine, tangibly~~ embodying a program of instructions executable by ~~a the~~ machine to perform a method for processing the same request from a client program to multiple instances of the same server program over the same protocol, said method comprising:

transferring said same request from said client program to an intermediary;

generating a plurality of request instances of said same request using said intermediary,

wherein each of said request instances of said same request corresponds to a different instance of said same server program, wherein different request instances have one of different data and different states;

Art Unit: 2142

buffering said request instances of said same request until said instances of said same server program are available;

transferring said request instances of said same request from said intermediary to said instances of said same server program over a computer network;

transferring a plurality of responses from said instances of said same server program to said intermediary over said computer network;

converting said responses to a uniform response; and

transferring said uniform response to said client program;

wherein said generating comprises specifying user input to a systems management program to form a fan out target list, wherein said fan out target list comprises target instances of said same server program to which said request instances of said same request will be transferred; passing said fan out target list to an intermediary client; and passing said fan out target list from said intermediary client to said intermediary target instances of said same server program based on user input to form a fan out target list, to which said request instances of said same request will be transferred,

wherein said target instances comprise at least one of information sources and information destinations, and

wherein said client program, said instances of said same server program, and said same protocol are not modified by said method.

24. (Cancelled).

Art Unit: 2142

25. (Original) The program storage device in claim 23, wherein said converting comprises selecting an operation to combine said responses.

26. (Original) The program storage device in claim 25, wherein said operation comprises one of listing said responses, aggregating said responses, adding said responses, preparing a subset of said responses, identifying a maximum of said responses, identifying a minimum of said responses, and averaging said responses.

27. (Currently Amended) The program storage device in claim 23, wherein said intermediary automatically creates said request instances of said same request.

28. (Cancelled).

29. (Original) The program storage device in claim 23, wherein said unified response has an instance corresponding to said client program.

30. (Currently Amended) An intermediary comprising a computer readable medium for processing the same request from a client program to multiple instances of the same server program over the same protocol, said intermediary comprising:

a converter for generating a plurality of request instances of said same request, wherein each of said request instances of said same request corresponds to a different instance of said same server program, wherein said converter is further adapted to receive, by said client program, user input; form, by a systems management program, a fan out target list based on said

Art Unit: 2142

user input, wherein said fan out target list comprises target instances of said same server program to which said request instances of said same request will be transferred; pass said fan out target list to an intermediary client; and pass said fan out target list from said intermediary client to said intermediary specify target instances of said same server program based on user input to form a fan out target list, to which said request instances of said same request will be transferred over a computer network, wherein different request instances have one of different data and different states;

a buffer for buffering said request instances of said same request until said instances of said same server program are available; and

a response combiner for converting responses received from multiple instances of said same server program over said computer network to a uniform response,

wherein said target instances comprise at least one of information sources and information destinations, and

wherein said client program, said same server program, and said same protocol are not modified by said intermediary.

31. (Previously Presented) The intermediary in claim 30, wherein said response combiner selects an operation to combine said responses.

32. (Previously Presented) The intermediary in claim 31, wherein said operation comprises one of listing said responses, aggregating said responses, adding said responses, preparing a

Art Unit: 2142

subset of said responses, identifying a maximum of said responses, identifying a minimum of said responses, and averaging said responses,

33. (Currently Amended) The intermediary in claim 30, wherein said converter automatically creates said request instances of said same request upon receipt of said same request.

34. (Cancelled).

35. (Previously Presented) The intermediary in claim 30, wherein said unified response has an instance corresponding to said client program.

*Allowable Subject Matter*

1. Claims 1, 3-5, 7-10, 12-13, 15-16, 18-20, 22-23, 25-27, 29-33 and 35 are allowed.

1. The following is an examiner's statement of reasons for allowance: independent claim(s)

1, 8, 16, 23, and 30 teach generating a plurality of different instances that have different data or state of the same client program request, buffering said requests until the server program is available, and specifying a target list by user input of a server program to transfer the instances of the request over a network at an intermediary over the same protocol such that each instance of the same request corresponds to a different instance of the same server program, the instances comprise information sources or destination, and the programs and protocol are not modified by the intermediary, and then converting the responses to a uniform response.

2. The closest prior art of record, Scholl, Gupta, and Rogers, does not teach specifying target lists to which instances will be transferred based on user input, buffering the requests, and the different requests have different data and/or states.

3. The closest prior art of record, Fan and Kraft, does not teach specifying target lists to which instances will be transferred based on user input, buffering the requests, and the different requests have different data and states.

4. Specifically, Kraft teaches using search engines to send requests for desired information similar to generating multiple same requests as in this application col.1, lines 14-23. Fan further teaches picking multiple search engines to send the same requests, para. 1, line 3, reporting a uniform response, para. 2, lines 3-4, and preventing searches when a search engine is down, para.

Art Unit: 2142

2, lines 7-8. Fan does not teach buffering requests when a search engine is down, or specifying target lists based on user input, or that requests will have different data or states.

5. Therefore, independent claims 1, 8, 16, 23, and 30 are allowable over the prior art.

6. Claims 3-5, 7, 9-10, 12-13, 15, 18-20, 22, 25-27, 29, 31-33, and 35 are allowed by the same rationale as well as the further limitations added by these dependent claims.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

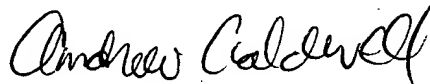


**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.
4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

January 8, 2007



**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**